

09-13-05

AP/
IFW



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	:	PATENT APPLICATION
PATRICIA RUZAKOWSKI ATHEY, et al.	:	
Serial No.: 10/693,463	:	Confirmation No.: 2526
Filed: October 24, 2003	:	Group Art Unit: 1775
For: COMPOSITIONS AND METHODS FOR:	:	Examiner: Gwendolyn Rudasil
FORMING COATINGS OF SELECTED	:	
COLOR ON A SUBSTRATE AND	:	
ARTICLES PRODUCED THEREBY	:	Case No. 1320D2

BRIEF ON APPEAL

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on April 8, 2005, this Appeal Brief is filed in compliance with 37 CFR 41.37(c). Appellants file this Appeal Brief, in triplicate, with the Board of Appeals and Interferences based on the rejections made in the Office Action, in which the Examiner rejected claims 1 and 3 in the captioned application. A Notice of Appeal was mailed on July 7, 2005 and received by the United States Patent Office on July 11, 2005. Please charge the cost of filing the Appeal Brief plus any additional fees to Deposit Account No.16-2025.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop: Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
on <u>September 12, 2005</u> Date	<u>Norma J. Golling</u> Signature
Norma J. Golling Typed or Printed Name of Person Signing Certificate	

EV326870515US

09/14/2005 TBESHAH1 00000017 162025 10693463
01 FC:1402 500.00 DA

REAL PARTY IN INTEREST

The application has been assigned to PPG Industries Ohio, Inc., Cleveland, Ohio; the assignment was recorded at Reel 8914/Frame 0584 on December 18, 1997.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1 and 3-10 were pending. Claims 4-10 were withdrawn from consideration. Claims 1 and 3 are rejected and appealed.

STATUS OF AMENDMENTS

An amendment was mailed on January 5, 2005. The amendment was entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to a coated article comprising a glass substrate and a copper oxide and manganese oxide coating over the substrate, wherein the coating has the molar ratio of copper to manganese in the range of about 0.8 to 1.2 and a blue color in transmission.

The various elements of the present invention are described in the specification at the following locations. The copper-manganese oxide coating is described at page 14, lines 27-32. The substrate is described at page 8, lines 31-33. The blue color in transmission is described at page 2, lines 29-31.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1 and 3 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,693,134 ("Stephens")

ARGUMENT

Rejection of Claims 1 and 3 as being anticipated by Stephens

Claims 1 and 3 were rejected under 35 U.S.C. §102(e) as being anticipated by Stephens. The present invention as recited in claim 1 is a coated article comprising a glass substrate and a copper oxide and manganese oxide coating over the substrate, wherein the coating has a molar ratio of copper to manganese in the range of about 0.8 to 1.2 and a blue color in transmission

Light transmitted through the glass article of the invention has a blue color. In contrast to the present invention, Stephens discloses an interference pigment formed by depositing a copper manganese coating on a platelet-shaped substrate coated with titanium dioxide. Such interference pigment is used for paints for outdoor use such as paints for cars. See column 3, line lines 59-61 of Stephens. Paints including the interference pigments of Stephens exhibit color via reflection not transmission.

Thus, one skilled in the art would not apply a paint made up of the interference pigment of Stephens on a glass substrate to achieve a blue color in transmission. The pigments of Stephens would prevent any visibility through the glass resulting in no color arising from transmission. Any apparent color would be due to reflection. Because Stephens does not disclose a coating for a glass substrate that provides a blue color in transmission, the reference does not disclose each and every element as recited in claim 1.

Claim 3 depends directly on amended claim 1 and recites the invention in varying scope. It has been explained above why claim 1 is patentable over the cited reference. Claim 3 is similarly not anticipated.

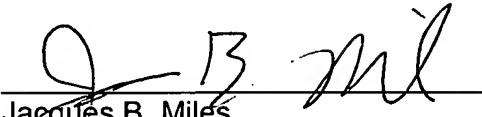
Conclusion

It is respectfully requested that the present application be remanded to the Examiner for issuance of a Notice of Allowance. For the reasons stated above, the

Serial No.: 10/364,089
9/12/2005

present invention as recited in the claims is patentably distinguishable over the cited references.

Respectfully submitted,



Jacques B. Miles
Attorney for Applicant
Registration No. 42,888

PPG Industries, Inc.
One PPG Place
Pittsburgh, Pennsylvania 15272
(412) 434-2938 (Telephone)
(412) 434-4292 (Facsimile)

September 12, 2005

CLAIMS APPENDIX

- 1 (Previously presented) A coated article comprising:
- a. a glass substrate; and
 - b. a copper oxide and manganese oxide coating over the substrate, the coating having the molar ratio of copper to manganese in the range of about 0.8 to 1.2 and a blue color in transmission.
- 2 (Cancel)
- 3 (Original) The coated article of claim 1 wherein a majority of the coating is cubic $\text{Cu}_{1.4}\text{Mn}_{1.6}\text{O}_4$ spinel type-phase.
- 4 (Withdrawn) A coating method comprising the steps of:
- a. providing a coating composition comprising copper oxide and manganese oxide; and
 - b. applying the coating composition onto a surface of a substrate to form a coating having a molar ratio of copper to manganese in the range of about 0.8 to 1.2 on the surface.
- 5 (Withdrawn) The method as claimed in claim 4 wherein the substrate is heated during the practice of the applying step to pyrolyze the coating.
- 6 (Withdrawn) The method as claimed in claim 4 wherein a majority of the coating is cubic $\text{Cu}_{1.4}\text{Mn}_{1.6}\text{O}_4$ having a spinel-type phase to provide a coating having a blue color in transmission.
- 7 (Withdrawn) The method as claimed in claim 4 further comprising the step of providing a layer comprising CuO between the coating and the substrate to prevent bleaching of the coating upon heating of the coated substrate.
- 8 (Withdrawn) The method as claimed in claim 4 wherein a chromium containing component is added to the coating composition.
- 9 (Withdrawn) The method as claimed in claim 4 wherein a cobalt containing component is added to the coating composition to improve acid resistance.
- 10 (Withdrawn) The method as claimed in claim 9 wherein the cobalt containing component is present in the coating composition in an amount greater than 50 wt% based on the weight of the total coating composition.

Serial No.: 10/364,089
9/12/2005

EVIDENCE APPENDIX

NONE

Serial No.: 10/364,089
9/12/2005

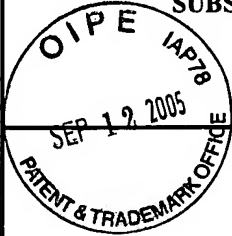
RELATED PROCEEDINGS APPENDIX

NONE

TRANSMITTAL OF APPEAL BRIEF (Large Entity)Docket No.
1320D2

In Re Application Of: Patricia R. Athey, Luke A. Kutilek and John B. Slobodnik

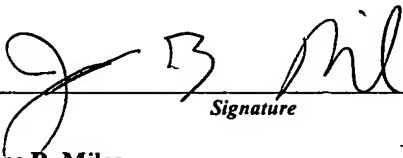
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/693,463	10/24/2003	Gwendolyn Blackwell-Rudasil	24959	1775	2526

Invention: **COMPOSITIONS AND METHODS FOR FORMING COATINGS OF SELECTED COLOR ON A SUBSTRATE AND ARTICLES PRODUCED THEREBY****COMMISSIONER FOR PATENTS:**

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

The fee for filing this Appeal Brief is: \$500.00

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 16-2025
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
Signature

Dated: September 12, 2005

Jacques B. Miles
Attorney for Applicants
Registration No. 42,888**PPG Industries, Inc.**
One PPG Place, 39th Floor
Pittsburgh, Pennsylvania 15272

cc:



CERTIFICATE OF MAILING

Date of Deposit: September 12, 2005

Type of Document(s): Transmittal Letter (Two Copies)
Appeal Brief (Two Copies)
Return Postcard

Serial No.: 10/693,463

Date Filed: October 24, 2003

I hereby certify that the documents identified above are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Norma J. Golling

Norma J. Golling
(Signature)

September 12, 2005

(Date of Signature)